

**RE: ITEM V**

**REASONED STATEMENT WITH REGARD TO NOVELTY, INVENTIVE STEP OR  
INDUSTRIAL APPLICABILITY; CITATIONS AND EXPLANATIONS SUPPORTING SUCH  
STATEMENT**

Reference is made to the following documents:

- D1: FR-A-1 415 452 (S.P.A. FRATELLI BORLETTI) 22 October 1965
- D2: DE 27 24 857 A1 (BABCOCK-BROWN BOVERI REAKTOR GMBH) 7 December 1978
- D3: FR-A1-2 655 729 (JAEGER) 14 June 1991
- D4: FR-A-2 797 650 (EPARCO SA) 23 February 2001
- D5: DE 35 35 624 A (ELOBAU ELEKTROBAUELEMENTE GMBH) 9 April 1987
- D6: WO 01/40045 A (CONTINENTAL TEVES AG & CO. OHG; TANDLER, PETER) 7 June 2001

**1. LACK OF NOVELTY**

The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claims 1-6 and 8 is not novel within the meaning of PCT Article 33(2).

**1.1. Independent Claim 1**

D1 (see page 1, left column, line 1-page 2, left column, line 24, Figure 1) discloses (the references in parentheses apply to this document):

*a float for a level indicator, said float consisting of a casing that surrounds a hollow cavity and with a receptacle for a lever arm (4) of the level indicator, characterized in that the float comprises at least two interconnected shells (1, 1', 2) which, when joined together, form at least two separate chambers.*

As far as this claim is to be understood (in claim 1 a verb is missing after the word "shells"), D1 discloses all of the technical features of claim 1. The subject matter of claim 1 is not therefore novel.

D2 (see Figure 1, threaded hole 7, float halves 12 and 13, chambers 5) and D3 (see page

2, lines 1-12, Figure 3) likewise disclose all of the technical features of claim 1.

### 1.2. Claims 2-6 and 8

In D1 and D3, the chambers are identical in size.

The chambers (5) in D2 differ in size, with the largest chambers being arranged centrally. The chambers which are not central and which come into contact with other parts are smaller than the chambers which do not come into contact with the other parts.

In D1 and D2, the shells are formed symmetrically.

In D3, the bulges forming the chambers are formed in one shell.

In D2, the shells are welded to each other (D2).

In D1, D2 and D3, at least one of the shells has a receptacle.

D1, D2 or D3 therefore disclose all of the technical features of claims 2-6 and 8. The subject matter of claims 2-6 and 8 is not therefore novel.

## 2. LACK OF INVENTIVE STEP

The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claims 7 and 9 does not involve an inventive step within the meaning of Article 33(3).

### 2.1. Claim 7

The feature "*that the shells are clipped to each other or are inserted one inside the other*" is only one of several obvious possibilities from which a person skilled in the art would choose according to the circumstances in order to join shells together, without thereby being inventive (see, for example, D4).

**2.2. Claim 9**

The selection of a material for the shells (POM, PA or PPS) is likewise one of several obvious possibilities from which a person skilled in the art would choose according to the circumstances, without thereby being inventive (see D4).